

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOSEPH TOTH,)	CASE NO.4:09CV1892
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
Vs.)	
)	
ALLSTATE PROPERTY AND)	SHOW CAUSE ORDER
CASUALTY INSURANCE CO.,)	
)	
Defendant.)	

CHRISTOPHER A. BOYKO, J:

On September 21, 2009, the Court issued a Case Management Scheduling Order setting a Case Management Conference for October 15, 2009, at 10:00 AM.. The Order required all counsel and parties to be present. On the morning of October 15, 2009, Plaintiff Joseph Toth left a message with the Court stating he was in an automobile accident and would be unable to attend the Case Management Conference (“CMC”). Plaintiff failed to appear for the 10:00 AM conference.

On October 15, 2009, the Court ordered Plaintiff Joseph Toth to show cause why he failed to appear at the October 15, 2009 CMC. The Order required Plaintiff to submit to the Court an affidavit and supporting documentation, by October 26, 2009, demonstrating he was in

an automobile accident. Because the Order was not served on Plaintiff, the Court reissued the Order on November 4, 2009, and sent it to Plaintiff's home address. The reissued Show Cause Order required Plaintiff to submit evidence by November 18, 2009, demonstrating he was in an automobile accident the morning of October 15, 2009. The Order further stated,

Failure to prove to the Court's satisfaction that he was, in fact, in a car accident that prevented his appearance at the October 15, 2009 Case Management Conference will result in a dismissal of Plaintiff's case with prejudice.

Because Plaintiff failed to appear at the October 15, 2009 CMC, ignored the Court's Show Cause Order and failed to submit proof of his alleged automobile accident the Court dismisses Plaintiff's Complaint with prejudice.

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

November 20, 2009